

Massachusetts Department of Correction

Conflicts

103 DOC 426

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MASSACHUSETTS DEPARTMENT OF CORRECTION	DIVISION: DEPUTY COMMISSIONER, Prison Division
TITLE: CONFLICTS	NUMBER: 103 DOC 426

PURPOSE: To provide a mechanism to document verified conflicts that allow for the safety of staff and inmates.

APPLICABILITY: Staff/Inmates **Public Access:** Yes

LOCATION: Department of Correction ("Department") Central Policy File; Each Institution's Policy File; Each Inmate Library

RESPONSIBLE STAFF FOR IMPLEMENTATION AND MONITORING OF POLICY:

Assistant Deputy Commissioners
Superintendents
Chief of Investigations
Director of Classification

EFFECTIVE DATE: 06/10/2012

CANCELLATION: 103 DOC 426.00 cancels all previous Department or institution policy statements, bulletins, directives, orders, notices, rules, or standard operating procedures regarding inmate-to-inmate conflicts or enemies, inmate-to-staff conflicts, and processes that are inconsistent with 103 DOC 426.00.

SEVERABILITY CLAUSE: If any part of 103 DOC 426.00 is, for any reason held in excess of the authority of the Commissioner, such decision shall not affect any other part of this policy.

426.01 Definitions

Conflict: A relationship or situation between inmates, or between inmates and staff members, which may likely result in placing them or other inmates or staff members in danger of harm or personal injury, as such, this relationship or situation may pose a threat to the security of the institution.

Immediate/Life Threatening Conflict: Conflicts where information has been received that suggests that an inmate is in fear for his/her life, which warrants an immediate staff response. This conflict may involve named enemies or involve inmates in fear for their life based on notoriety of their offense or other unconfirmed conflicts.

426.02 Immediate/Life Threatening Conflict

Upon receiving notice, from any source, such as a staff member, inmate, attorney, family member, media representative, indicating an inmate is in fear for his/her life, the following steps shall be taken:

1. The inmate is to be placed in a secure location, such as the Special Management Unit, Booking Area, secure cell or a secure holding area on Awaiting Action (AA) Status.
2. The Shift Commander shall notify the Superintendent that an inmate has been placed on AA status due to a potential conflict situation.
3. The Superintendent shall ensure that the matter is referred to the Inner Perimeter Security Team ("IPS") who shall conduct an investigation. This investigation shall include:
 - a. A detailed interview with the inmate to determine the nature of the claim and the names of the potential enemies and/or witnesses.
 - b. Researching and cross referencing both internal and external documents and data to include but not be limited to the Inmate Management System (IMS), Use of Force package incident reports, disciplinary reports, investigations, outside Agency reports, media reports, court reports and intelligence information.

- c. Interviewing anyone who may have knowledge of the situation or may offer useful information to include classification and mental health staff.
 - d. Validation of the information received. To validate a claim, the Investigator must gather all information and evidence then weigh and determine, as best as possible, whether the information is valid and should be relied upon to make decisions regarding the inmate's status and/or future placement.
 - e. The conflict form shall be forwarded to the Superintendent through the IMS notification system. Any hard copy supporting conflict investigative documents not available through IMS shall be forwarded by IPS to the Superintendent for review.
 - f. The Superintendent shall review all documentation regarding the conflict, such as disciplinary and incident reports through IMS as well as any hard copies forwarded by IPS. The Superintendent shall then sign off on each conflict investigation to ensure that each investigation is complete, thorough and that any and all conclusions are supported by facts.
4. The Superintendent shall be responsible for reviewing the investigative package and making the following determinations and notifications:
- a. That a valid conflict exists and is verified;
 - b. That a valid conflict does not exist and is not established;
 - c. Staff are notified through the IMS regarding the status of the conflict.
 - d. The inmate shall be notified by IPS when appropriate.
5. The Superintendent shall review the investigative package and make one (1) of the following decisions.
- a. Return the inmate to population without conditions.

- b. Return the inmate to population with conditions, e.g., housing unit or room change.
 - c. For those inmates in minimum or pre-release, return the inmate to higher custody for further investigation.
 - d. Refer the inmate to classification to determine an appropriate placement outside of the institution or, in the case of detainees, refer the inmate to the Classification Division for alternative placement options. Once the classification process has begun, the inmate shall not be released and returned to population until the Commissioner's designee reaches a final placement decision and that decision is effectuated or, in the case of detainees, a transfer (if applicable) is authorized by the Commissioner's designee and the transfer takes place.
- 6. The Superintendent's decision shall be documented in IMS.
 - 7. All inmates returning to general population shall be asked to sign a waiver (attachment 1) requesting population placement.
 - 8. Any conflict shall be noted in accordance with 103 DOC 426.05.

426.03 Inmate-to-Inmate Conflicts

- 1. Inmate-to Inmate Conflict: Upon admission to Department's custody, inmates shall be given the opportunity to inform staff of any relationship or situation where the potential for harm or personal injury exists. This shall normally be reported during the intake process; however, inmates are encouraged to report perceived conflicts at anytime during their incarceration. The intake form shall indicate that the inmate acknowledges an opportunity to report any enemies and was informed that if the inmate does come in contact with an enemy, it is the responsibility of the inmate to report such contact to staff.

2. The inmate shall report all situations that may jeopardize his/ her safety, particularly those where the inmate may have been subjected to sexual abuse, sexual assault or pressured for sex. The inmate shall provide sufficient information so that staff may verify the conflict. An inmate's claim alone shall not be sufficient to establish a conflict. In situations where the inmate does not provide sufficient information, a conflict shall NOT be established. As much information as possible regarding the conflict should be noted so that proper validation may occur.
3. Any staff member receiving information relating to a conflict shall immediately notify the Shift Commander and document such on an incident report. The incident report shall then be forwarded to the Superintendent or designee for verification, validation and/or investigation.
4. Once the inmate has been given the opportunity to initially inform staff of any relationship or situation where a conflict(s) exists, additional conflicts shall only be established as a result of a situation or relationship that has developed during the inmate's incarceration unless clear and convincing evidence is presented regarding a previously established and unclaimed conflict. This will prove to enhance the verification process and reduce instances of inmate manipulation.
5. In situations where the inmate has been involved in a verbal or physical altercation with another inmate, each inmate shall be interviewed to determine if a conflict exists, as defined in this policy. The Superintendent shall take necessary steps to keep involved parties separate until the validity of the conflict has been established. If a conflict is found to be valid, the Superintendent shall take whatever steps are necessary to prevent the individuals involved from coming into contact with each other.
6. Examples of inmate-to-inmate conflicts include, but are not limited to:
 - A. Serious threats to do bodily harm where staff has reason to believe that an assault will be carried out;

- B. Serious physical assaults where the other party has intentions to retaliate;
 - C. Sexual abuse or assault of an inmate by another inmate;
 - D. Crime victim is another inmate or is closely related to another inmate;
 - E. Court testimony against another inmate.
- 7. Superintendents shall ensure that inmate-to-inmate conflicts are referred to the IPS Team who shall conduct an investigation consistent with 103 DOC 426.02 (3) (a-f).
 - 8. The Superintendent shall review the investigation and shall determine the following:
 - A. That a valid conflict exists and is approved.
 - B. That a valid conflict does not exist and is denied.

Staff shall be notified through the IMS. The inmate shall be notified by IPS when appropriate.

- 9. If the Superintendent determines that a valid conflict exists, he/she must determine whether an excessive risk to an inmate's health or safety exists. If it does, the inmate(s) shall be placed in a secure location in compliance with 103 DOC 426.02 (1). If this occurs, the Superintendent shall refer the inmate to Classification for appropriate placement in compliance with 103 DOC 426.02 (5) (d).
- 10. If the conflict does not rise to the level of an excessive risk to an inmate's health or safety, the Superintendent shall determine the appropriate placement for the inmate.
- 11. It is understood that although efforts are made to collect, maintain and share information regarding conflicts, there may be occasions where inmates may encounter other inmates with whom they are currently or in the past been in conflict. It is further understood that if this occurs, inmates shall immediately report the encounter to staff and are

expected to comply with all Department rules and regulations.

426.04 Inmate-to-Staff Conflicts

1. In a correctional setting, staff must recognize the potential for situations with inmates that may result in personal discomfort but may not constitute a legitimate conflict. A staff member with a potential inmate conflict shall submit a confidential incident report to his/her respective Superintendent, explaining the potential conflict. In cases where the inmate claims a conflict with a staff member, IPS shall interview the staff member to determine whether a conflict exists and if so the seriousness of the conflict.
2. Familiarity alone between staff members and inmates does not constitute a conflict. In order to be considered a conflict, these situations shall be determined to violate the security of the institution or compromise the position of the staff member.

Examples of inmate-to-staff conflicts may include but are not limited to:

- a. Serious inmate threat to do bodily harm to staff or family where staff have reason to believe that an assault may be carried out;
 - b. Staff member or close relative thereof was the crime victim;
 - c. Staff member is victim of a serious inmate assault;
 - d. Staff member and inmate are closely related.
3. The Superintendent shall ensure that the matter is referred to the IPS Team Commander, who shall conduct an investigation. The investigation shall include:
 - a. A detailed interview with the staff member involved to determine the nature of the claim and the names of the potential inmates and witnesses.
 - b. Researching and cross-referencing both internal and external documents and data to include any

relevant incident reports, disciplinary reports, investigations, outside agency reports and intelligence information.

- c. Interviews with anyone who may have knowledge of the situation or can offer useful information.
- d. Validation of the information received. To validate a claim, the Investigator shall gather all information and evidence, then weigh and determine, as best as possible, whether the information is valid and may be relied upon to make decisions.
- e. A completed investigative package, which shall include the all supporting documentation, findings, conclusions and recommendations, shall be forwarded to the Superintendent for review.
- f. The Superintendent shall review and sign off on each investigation to ensure that each investigation is complete, thorough and that any and all conclusions are supported by facts.
- g. The Superintendent shall note his/her recommendation in IMS and forward the Inmate-to-Staff Conflict supporting documentation to the appropriate Assistant Deputy Commissioner for final review.
- h. If a conflict is approved, the Assistant Deputy Commissioner shall forward the Inmate-to-Staff Conflict Form to the Director of the Classification Division, Superintendent and the staff member declaring the conflict.
- i. Whenever possible, an approved conflict shall result in the inmate being moved to another institution with the same security rating. If this is not possible, consideration shall be given to reassigning the staff member to another institution or an area of the institution that shall minimize the opportunity of contact between the involved parties. .

426.05 Documentation of Validated Conflicts

1. The only individual(s) authorized to document conflict issues in the IMS are those individuals authorized to do so by the Superintendent. All conflicts or claimed conflicts shall be documented in the IMS conflict source screen as soon as possible. A notation that the conflict is pending review with IPS is to be entered into the comment field until the final determination has been made.
2. The authorized staff member shall document the conflict or pending conflict on the appropriate conflict screen in IMS. If a conflict is established, it shall be noted in IMS as "active." If the conflict is not established, "active" should not be indicated. The authorized staff member shall make a notation in the IMS conflict source screen comment section. The notation to include the inmate's commitment number, name, interview date and site. The authorized staff members shall include as much of the matter as may be entered without putting either of the involved parties at risk.
3. Upon approval of an Inmate-to-Staff conflicts, only those conflicts approved by the Assistant Deputy Commissioner, Central Office Classification Division staff shall be responsible for the tracking and reviewing of the status of these conflicts in IMS. To preserve security and confidentiality, no staff member's name or the nature of the conflict shall be reflected in IMS. It shall be the responsibility of the affected staff member to notify his/ her Superintendent/Department Head in the event of a transfer to another institution where an Inmate-to-Staff conflict exists.
4. Each IPS Team shall establish a confidential file that contains all Inmate-to-Inmate conflict investigations. Access to these forms shall be restricted and retained at the initiating site. If needed, access is through the IPS office of the initiating site.

426.06 Termination of a Conflict

1. IPS shall review all active conflicts on record for an inmate thirty (30) days prior to the inmate's classification review. The IPS Commander shall print a list of inmates who are scheduled for a classification review the following month through IMS. If the inmate wishes to have any of the conflicts listed on his record terminated, IPS shall investigate, and if appropriate, interview the inmate on the other side of the conflict as well. At the completion of this investigation, IPS shall forward only conflicts recommended for termination, along with supporting documentation to the Superintendent for review.
2. The Superintendent shall review the recommended conflict termination in IMS along with supporting documentation provided by IPS, and make a determination to terminate or not to terminate the conflict.
3. Staff shall be notified whether or not the conflict is terminated by viewing the information in IMS. The IPS Team shall notify the inmate of any approved termination and update the IMS Conflict Screen.
4. Conflicts are considered valid for the sentence(s) the inmate is currently serving. When either inmate involved in a conflict is released from custody, the status of the conflict for both parties becomes "terminated/released". When an inmate is committed after a break in custody, the admissions staff person shall link his/her old commitment number to his/her new commitment number. When these numbers are linked, all conflicts in which the status changed to "terminated" due to release from custody or otherwise, will be changed to "pending". The IPS Team shall then review the conflicts now pending and recommend whether they shall become "active" or "terminated". The Superintendent shall then make the final decision on these conflicts.

426.07 Emergencies

Whenever, in the opinion of the Commissioner, a Deputy Commissioner, or the Superintendent, an emergency exists which requires the suspension of all or parts of this policy, a Deputy Commissioner or the Superintendent may order such a suspension except that any such suspension lasting beyond forty-eight (48) hours shall be authorized by the Commissioner.

INMATE WAIVER FORM (Attachment 1)

INSTITUTION: _____

I wish to be placed or remain in general population at _____.
Any and all prior problems I have had with other inmates have been resolved.

I hereby relieve the Administration of all responsibilities for my safety when I am returned to general population.

Inmate's Name (printed)	Commitment #	Room #
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Inmate's Signature	Date
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Witness Signature/Title	Date
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REASON FOR WAIVER:
